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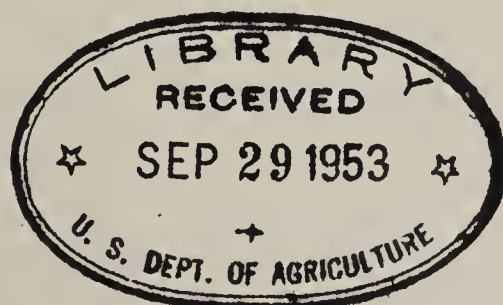


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UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

INFORMATION FOR APPLICANTS, PERMITTEES AND GRANTEEES
CONCERNING FOREST SERVICE PERMITS AND EASEMENTS FOR
TRANSMISSION LINES AND POWER PLANTS
ON NATIONAL FOREST LANDS

For Licenses Under the Federal Power Act
See Federal Power Commission Regulations



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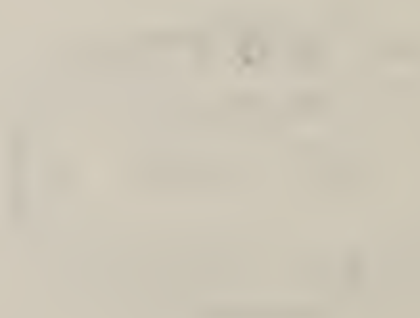


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PERMITS AND EASEMENTSFORTRANSMISSION LINESONNATIONAL FOREST LAND AND OTHER LAND ADMINISTERED BY U.S. FOREST SERVICEINFORMATIONFORAPPLICANTS, PERMITTEES AND GRANTEEESLEGAL AUTHORITY FOR POWER PROJECTS AND TRANSMISSION LINESGeneral

The Federal Water Power Act of June 10, 1920 (41 Stat. 1063), amended to be the Federal Power Act on August 26, 1935 (49 Stat. 838), altered the power theretofore delegated to the Secretary of Agriculture to authorize the occupancy and use of National Forest land for the construction and operation of water power projects and of electric power lines.

Power Projects

Compliance with the Federal Power Commission Rules and Regulations is necessary where the power is obtained from water.

For water power projects, the Secretary of Agriculture is not authorized to grant easements under the Act of February 1, 1905, and the Forest Service may not issue preliminary and final permits under the Acts of June 4, 1897 and February 15, 1901, but such easements or permits can be granted where the source of the generated power, either electrical or mechanical, is other than water i.e. fuel-generated power.

Hydro Projects Under 100 H.P.

By informal agreement with the Federal Power Commission, Regional Foresters are authorized to issue "Pre-license, terminable, special-use permits" for small water power developments under 100 horsepower. The permittee need not submit an application for a federal power license unless requested to do so by the Federal Power Commission.

Transmission Lines

The Forest Service is not authorized to issue permits under the Acts of June 4, 1897 and February 15, 1901 and the Secretary of Agriculture may not grant easements under the Act of March 4, 1911, for primary transmission lines where water power is the source of the

(over)

transmitted electric energy. Such permits or easements can be issued by the Forest Service or by the Secretary, as the case may be: (1) for non-primary lines where water power is the source of the transmitted electric energy; (2) for all lines where the source of transmitted energy is other than water power; (3) for telegraph and telephone lines;* (4) for Temporary Occupancy permits for primary transmission lines where authority to the Forest Service is specifically granted by the Federal Power Commission.

Section 3(11) of the Federal Power Act of August 26, 1935, and also its predecessor, the Federal Water Power Act of June 10, 1920, reads as follows:

".... 'project' means complete unit of improvement or development consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith. THE PRIMARY LINE OR LINES TRANSMITTING POWER THEREFROM TO THE POINT OF JUNCTION WITH THE DISTRIBUTION SYSTEM OR WITH THE INTERCONNECTED PRIMARY TRANSMISSION SYSTEM, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water-rights, rights-of-way, ditches, dams, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit;...."

(The capitalization in the above quotation and also in the one following has been used herein for emphasis.)

In a letter of March 7, 1941, from the Secretary of the Federal Power Commission to the Secretary of Agriculture, it is stated:

".... ANY transmission line, therefore, which is not a primary line transmitting power from the power house or appurtenant works of a project to the point of junction with the distribution system or with the interconnected primary transmission system as set forth in Section 3(11) of the Federal Power Act IS NOT within the licensing authority of the Commission."

Expressing this in a different way:- Where the construction and operation of a transmission line requires the occupancy and use of National Forest land, or other land under its administration, the Forest Service has authority, under existing law and Regulations, to issue permits for all lines where the source of the transmitted energy

*Information on permits and easements for telephone or telegraph lines may be obtained from a Regional Forester or Forest Supervisor.

is other than water power. Where the source of the transmitted energy is water power, the Forest Service has authority to issue permits for lines other than those defined as primary by Section 3(11) of the Federal Power Act. The Secretary of Agriculture has authority to grant easements for the occupancy and use of National Forest land under the Act of March 4, 1911, for lines which meet these same requirements.

Under the foregoing pronouncement of the Power Commission, difficulties will at times arise in determining whether the Commission or the Forest Service has the legal authority to grant permission for the occupancy and use of National Forest land. Whether in a given case a line is primary and therefore requires a license, or is non-primary and therefore requires a permit or easement, depends on circumstances that cannot be generalized. Similar but not identical situations in two localities may involve different determinations as to primary and non-primary characteristics. Borderline cases are referred to the F.P.C. for classification.

For the purposes of Forest Service administration, all lines for which the Forest Service or the Secretary of Agriculture can legally authorize occupancy and use, will be termed Non-Primary lines. It is realized that in accepting and using this definition, the term "non-primary" will be applied to lines conveying energy generated from other than water power which technically and from a functional standpoint are primary lines.

Under certain conditions, the Forest Service has authority additional to that above described. It may authorize occupancy and use of National Forest land for a primary line as defined in the Federal Power Act provided an urgent and immediate need exists for construction and operation and the Federal Power Commission indicates willingness, under certain conditions, for the Forest Service to issue a permit for immediate construction. In addition to such conditions as the Forest Service may find necessary or advisable, these permits will contain the conditions specified by the Federal Power Commission. The permit will authorize occupancy and use of National Forest land only until such time as the Federal Power Commission issues or denies a license, duly applied for under the Commission's regulations within a period specified in each case.

GENERAL INFORMATION

Applications for Federal Power Commission Preliminary Permits and Licenses

Applications for preliminary permits or licenses involving the use of Government land for major water power projects and applications for licenses for primary transmission lines where water power is the source of the transmitted electric energy will be made pursuant to the Federal Power Act (49 Stat. 838), and the regulations thereunder, and will be filed (1) with the Federal Power Commission at Washington 25, D.C.; (2) with the Regional Forester of the National Forest Region within which the project is located; (3) with any other field office designated by the Commission.

Minor Water Power Projects under 100 H.P.

Regional Foresters are authorized to issue "Pre-license, terminable, special-use permits" for water power developments under 100 horse power. The permittee will not be asked to submit an application for a federal power license unless requested to do so by the Federal Power Commission.

Non-Primary Transmission Lines

By the Act of February 15, 1901 (31 Stat. 790) as amended February 1, 1905 (33 Stat. 628 16 USC 472), the Secretary of Agriculture is authorized to regulate the occupancy and use of National Forest land. Such occupancy and use include construction and operation of non-primary transmission lines.

The Act of March 4, 1911 (36 Stat. 1253-1254; 16 U.S.C. Section 523) as amended May 27, 1952, authorizes the Secretary of Agriculture, under general regulations to be fixed by him, to grant easements over National Forest land for rights of way not to exceed 200 feet on each side of the center line, for a period not to exceed 50 years from the date of issuance, for poles and lines for (telephone, telegraph and) electric power transmission.

Forest Service permits are issued under the authority of the Act of February 15, 1901. They are subject to amendment, extension, transfer or revocation by properly qualified Forest Service officers. Permittees may apply at any time for the change of their permits to easements under the aforesaid Act of March 4, 1911, as amended May 27, 1952.

Certain transmission lines placed under Federal Power Commission license during the period between June 10, 1920, and March 7, 1941, qualify as non-primary under the definition of "project" in the Federal Power Act. The Commission and the Forest Service have not disturbed the status quo of such licenses. A licensee has the option (1) of continuing operations under the license or (2) of applying for a permit or an easement upon the granting of which the license must be surrendered.

Cases will arise wherein changes in location, voltage, capacity, or other physical characteristics must be made in non-primary lines under license granted by the Federal Power Commission. The Commission has limited amendments to such licenses to those cases where a portion of the line or lines under license has been removed. If any addition to or any change in the licensed lines, other than relinquishment of a portion under license, cannot be covered separately by a special use permit or an easement, the license should be surrendered and the entire project placed under either a permit or an easement.

Applications made since March 7, 1941, for licenses for lines on National Forest lands which the Commission decides are non-primary lines are referred to the Forest Service for action. If these lines are already covered by temporary permits, new permits may be issued by the Forest

Service: - (1) if requested by the permittee; (2) if the permit clauses or conditions are not deemed by the Forest Service to be adequate or satisfactory; or (3) if rental charges should be imposed or adjusted. If not already under temporary permit, application for a permit or an easement should be filed.

Tenure of Permits and Easements

Permits under the Act of February 15, 1901, as amended February 1, 1905, will be granted. These are revocable at the discretion of the Secretary of Agriculture or his delegated representative, but it is the policy to terminate such permits prior to the expiration of the period specified in the permit only for breach of, or failure to comply with, the permit condition. "Act of 1901 Permits" are issued for from one to fifty years, with terminable clause. Permits under the "Act of 1901" have a maximum right-of-way width equal to fifty feet on each side of the center line of the power line, or a total of one hundred feet.

Easements. When applied for in compliance with the regulations of the Department of Agriculture, and by Secretarial delegation of authority, easements may be granted by the Chief or Acting Chief of the Forest Service under the authority of the Act of March 4, 1911, as amended May 27, 1952, for a period of not to exceed fifty (50) years. The Chief or Acting Chief of the Forest Service may declare the easement forfeited when the right-of-way is abandoned or not utilized for a period of two (2) years.

When the applicant so desires, he may apply for an easement to cover any non-primary transmission line crossing National Forest land or other land administered by the Forest Service, either as an original authorization or to supersede a permit already granted. It is for the applicant to decide whether the need for the greater security of an easement over that afforded by a permit justifies the cost of the more comprehensive application and the longer interval which will normally elapse before execution of the easement.

Two hundred feet on each side of the center line of the power line is the maximum which may be included in an easement granted under the March 4, 1911 Act. If, because of such circumstances as rough topography, heavy timber, fire risk, high voltage, wide spacing of conductors, or a combination of these circumstances, it is deemed necessary by the Regional Forester and the applicant to provide a width in excess of 400 feet, a permit may be granted for a protection strip abutting either or both sides of the strip covered by the easement. The width will be restricted to that required by the full width of the structures or to that believed necessary for protection of National Forest lands. Application for such a permit shall be in the same form and contain the same information required for the ordinary Act of 1901 permit. It shall be filed at the same time as, but not as a part of, the application for easement. The permit will not be issued until subsequent to approval of easement but if it is known that approval to the strip will not be granted, the applicant will be informed after the application for the easement has been

received. Continuation of the permit, once granted, will be contingent on the continued validity of the center strip easement. The permit will be subject to cancellation in case of expiration, forfeiture or termination of the easement. A rental charge for each such permit will be made in addition to the rental charge for the easement.

Rental Charges

Permits. An annual charge for use and occupancy of National Forest land will be required except for permits to Cooperatives of the Rural Electrification Administration, or when the use is by a Government agency or of a public or semi-public nature or in connection with an authorized utilization of National Forest resources but under separate permit. Permits to the user in one of these four classes will be issued without rental charge, but in every instance payment for timber destroyed will be required. The initial payment will cover the balance of the calendar year and will be paid prior to granting the permit. Payment for each subsequent calendar year will be required prior to the beginning of that year. On and after January 1, 1954, annual rental fees for transmission lines will be one dollar per acre or fraction thereof with a minimum charge of five dollars (\$5.00) per mile or fraction thereof, the same as for easements.

When an existing license for a non-primary transmission line is terminated and a Forest Service permit issued in its place, charges under the permit will start on the day following the date specified by the Federal Power Commission for termination of the license.

Easements. Unless otherwise directed by the Chief or Acting Chief of the Forest Service and excepting for Cooperatives of the Rural Electrification Administration, or when the use is by a Government agency or of a public or semi-public nature or in connection with an authorized utilization of National Forest resources but under separate permit, an annual charge will be made. The annual rental rate will be one dollar (\$1.00) per acre or fraction thereof of National Forest land that is crossed by the line, with a minimum of \$5.00 per mile or fraction thereof.

The legal limit of an easement right-of-way is 400 feet. Where additional width is required, it may be secured under permit. Charges for such additional strips on one or both sides of the right-of-way included in the application for an easement will be made, in addition to the rental charge for the easement itself. The rental for the permit will be computed on the above rental schedule for permits and for the entire width included in the permit but not in the easement. For instance if the entire width of both easement and permit is 500 feet and the approved easement width is 400 feet, the rental charge for the permit will be based on 100 feet width.

Annual Payments

On November 15 of each year the Regional Forester or the Forest Supervisor when designated by the Regional Forester will prepare and send to each grantee, and also to each permittee holding a permit or

permits issued prior to June 10, 1920, a letter of transmittal (Form 861) showing the rental charges due for the following calendar year. The Forest Supervisor will prepare and send the notices for permits granted after that date. Where the permit or easement was granted during the current year, the bill will cover the charge for the period for which rental payment has not already been made. Sufficient copies of the Form 861 will be made to comply with accounting procedure requirements. Upon receipt of payment, the date of such payment will be endorsed upon all file copies of the Form 861. The original will be sent to the permittee or grantee.

The original notice of charges due will name the date upon which payment will become due, but not the date upon which it will become delinquent. If payment is not received within 30 days after the date due, a second notice will be sent in which the delinquent date will be named. If the payment has not been made on the delinquent date, the permittee will be served with a written order to show cause why the permit should not be terminated. The answer to this order will be returnable in not to exceed 30 days.

Lines on United States Land Administered by Another Federal Agency

Occasionally a proposed line will be located in part on National Forest land and the remainder wholly or partly on United States land administered by a Federal agency other than the Forest Service. In such case the instructions herein given for filing and contents of application and for procedure will be followed to the extent that the proposed line is within the National Forest boundaries or on land administered by the Forest Service. An easement authorizing the use of such National Forest or other land will not be granted until there is definite assurance that the other Federal agency will authorize the use of the land it administers and that its permit or easement will be accepted by the applicant. However, if the application to the Forest Service is for a Act of 1901 permit, the permit may be granted even though an application to the other Federal agency has not been filed or accepted. Such a permit of the Forest Service will contain a clause specifying that continuance of the permit is contingent upon permission being secured and maintained from the other Federal agency for the occupancy and use for the transmission line of land under its administration.

APPLICATIONS FOR PERMITS AND EASEMENTS

"Act of 1901"

Place of Filing. Each application for an "Act of 1901" permit shall be made on Forest Service Form 866 and shall be filed in triplicate, with the Forest Supervisor of the National Forest concerned or the Regional Forester. The original copy of the application must be executed by the applicant.

Contents of Application

1. Form 866

(1) - The exact name of the applicant and the name, title and address of the person to whom correspondence in regard to the application shall be addressed.

(2) - Description of Land. Name of the Forest and the State; width of right-of-way; description of termini and total length in miles or feet on National Forest land; specific reference to a map which shall be a part of the application and show the National Forest land (sections or subdivisions) to be crossed.

(3) - Purpose. Construction and operation of the transmission line between specified termini and of specified length and whether a generating plant is at a terminus of line applied for, uses to be served directly from the line applied for, or indirectly through another transmission line.

(4) - Program of Construction. Statement of time desired for beginning and completing construction of the line.

(5) - Description. Voltage; phase; number, size, and material of wires; height, material and ordinary spacing of poles; national or other design and erection specifications to be followed; power plant or plants at which transmitted energy is generated; also whether water or fuel-generated power.

(6) - Date and Signature. The date on which the applicant signs the application. Name of applicant. If the applicant be a company or an association of individuals or a partnership, the name of organization and name and position of signer in the organization.

2. Maps

With the application and as a part thereof, there shall be filed maps in triplicate giving detailed information for those part of the line which cross lands of the United States.

(1) - Size of Map. Convenient, but not smaller than 8" x 10½". If a larger size is necessary 10½" x 16"; 18" x 21"; 21" x 26"; 21" x 34"; 24" x 36" or 28" x 40". Original to be on tracing linen.

(2) - Title of Map. Name of the applicant; date of application on Form 866; name of engineer or individual preparing the map; name or other designation of power line.

(3) - Scale of Map. Convenient, but in no case shall one inch on the map represent more than 3,000 feet. Scale shall be adequate for a clear showing of map details.

(4) - Location of Line. National Forest and other Federal land to be crossed shall be designated and appropriately marked. Location of line on National Forest land shall be sufficiently well defined and with adequate details given to permit the line being plotted and the location properly shown on a map or plat of 2 inches to the mile scale. The location shall be given of termini if within the Forests, or of the points of entering and leaving the National Forest land if the line crosses the Forest. The method of locating the intervening line may be by means of ties to section corners and to natural, permanent, or easily identifiable points or by bearings and distances along the line or by a combination of each of these two methods.

3. Diagrammatic Map

Unless the application Form 866 definitely shows that the line applied for is a non-primary line, a diagrammatic map in triplicate shall accompany the application. Its purpose is to show the relationship of connected generating plants and lines thus making possible a decision on jurisdiction. This diagram should be simple and need not be drawn to scale. It shall be at least 8" x 10½" in size, and shall show:

(1) - The position of the line in the system and the functions it performs as part of the power system. The intent is to show only such plants and lines as will influence or determine the decision under Section 3(11) of the Federal Power Act.

(2) - Source of Power. Whether the line connects directly with a hydro-electric plant, a steam plant, another line or a sub-station.

(3) - Capacity of the line and relation of its capacity to that of the generating plant or line to which it connects.

(4) - Relation of voltage and phase of the line to that of the line from which energy is received.

(5) - Use of energy delivered.

4. Evidence of Citizenship

A satisfactory showing of the United States citizenship of the applicant is necessary when the applicant is an individual. Such a showing is also required for each member of a partnership or an association if the applicant is a partnership or an association. An affidavit by the applicant that he is a citizen will normally be accepted.

5. General description and specification of line and information on proposed use and market for power.

Temporary Occupancy Permits

Place of Filing. Justification of the need of this type of permit and the information required shall be presented at the Regional Forester's Office.

Contents of Application. The application shall contain:

- (1) - The exact name of the applicant and the name, title, and address of the person to whom correspondence in regard to the application shall be addressed.
- (2) - The reason and justification for the required quick action.
- (3) - The length and voltage of the proposed line, giving the termini with sufficient accuracy so that the Federal Power Commission may locate the line on existing maps.
- (4) - Such portion of the prescribed application data for Act of 1901 permits for non-primary lines as the Regional Forester finds advisable or necessary.

Fuel-Generated Power Plant

If, in addition to a non-primary transmission line, the project for which an applicant desires a short-term or long-term permit includes a fuel-power plant (or in other words where the source of power is other than water power), the application and the permit may cover both plant and line. The following data in addition to that previously prescribed to be included in the application for Act of 1901 transmission line permits shall be furnished: length, width and height of powerhouse, and whether wood, brick, stone or concrete; horsepower capacity of motor unit, and kilowatt capacity of generator: source of power - coal, oil, gas; etc.; use of power - lighting, heating, pumping, etc.; mechanical or electrical; to be used by applicant or to be sold.

REGULATIONS

"Act of 1901" Permits

These are special use permits authorized under a general regulation approved by the Secretary of Agriculture. For such permits there are no detailed regulations similar to those below given for easements under the Act of March 4, 1911 as amended May 27, 1952. The instructions given in this booklet serve the same purpose as such detailed regulations.

Easements under the Act of March 4, 1911, as amended May 27, 1952

Regulations for electric power transmission lines upon and across National Forest and other land administered by the Forest Service were approved on March 16, 1943, by the Acting Secretary of Agriculture, and amended on February 21, 1945. These are as follows:

RIGHTS-OF-WAY FOR ELECTRIC POWER TRANSMISSION LINES

Reg. E-1*. Definitions

For the purposes of these Regulations, the following words and terms shall be construed to mean:

- (a) Act - The Act of March 4, 1911 (36 Stat. 1253, 16 U.S.C. 523), as amended May 27, 1952. (Pub. Law 367, 82nd Congress, 2nd Session, 66 Stat. 95)
- (b) Chief - The Chief or Acting Chief of the Forest Service.
- (c) Forest Service - The Forest Service, a bureau of the Department of Agriculture.
- (d) Regional Forester - The Regional Forester of the Forest Service region within which the transmission line is located.
- (e) Transmission Line - The poles, towers, wires, insulators, and all other structures, equipment, appliances, and other facilities erected or to be erected when;
 - (1) the transmitted energy is generated from other than water power;

*Amendment to Regulations E-1 to E-15 striking out the words "the Secretary", wherever they occur and substituting therefor the words "the Chief or Acting Chief of the Forest Service" - issued by Claude R. Wickard, Secretary of Agriculture on February 21, 1945 and published in the Federal Register for February 24, 1945.

(2) the transmission line classifies as a non-primary line under the provisions of the Federal Power Act (41 Stat. 1063, as amended; 16 U.S.C. 791 et seq.) because it does not transmit power from a water power plant or appurtenant works to a point of junction with the distribution system or with the inter-connected primary transmission system.

(f) Easement - A right-of-way for a period not exceeding fifty (50) years and of width not exceeding two hundred (200) feet on each side of the center line of the transmission line and poles or towers granted for the purposes of constructing, operating, and maintaining a transmission line over, across, and upon National Forest or other land under the jurisdiction of the Secretary and which under delegated authority are directly administered by the Forest Service.

(g) Applicant - A citizen, association of citizens or corporation of the United States making application for an easement under provisions of the Act and the Regulations thereunder.

(h) Grantee - An applicant to whom an easement is granted.

Reg. E-2. By Whom Granted

An easement shall be granted by the Chief and any modification of an easement shall be approved by the Chief.

Reg. E-3. General Conditions

The Chief, within the limitations prescribed by the Act, shall decide the width of right-of-way and the tenure of the easement, and shall decide the conditions to be incorporated in the easement for the protection of the public interest and for the administration, protection, development, and utilization of the National Forest and other land under his jurisdiction.

Reg. E-4. Acceptance Required

The easement shall be conditioned upon the acceptance thereof by the grantee and shall not become effective unless, within sixty (60) days of the date of the easement, acceptance of the easement by the grantee shall have been evidenced in writing. If not so accepted within that period or such extension as may be approved by the Chief, the application will be rejected.

Reg. E-5. Consideration of Application

Consideration of an application for an easement shall be conditioned upon the filing with the Regional Forester of the application properly certified in the prescribed form and containing all the required

material and data. Priority of consideration of applications shall be initiated in the order of filing of complete applications as determined by the Regional Forester.

Reg. E-6. Contents and Filing of Application

An application for an easement shall be filed with the Regional Forester and shall consist of the following, to be furnished in quadruplicate except as otherwise provided:

- (a) Form E-100 (Application for easement under the Act of March 4, 1911), completely filled out and certified.
(To be typed by applicant)
- (b) Location Map, original on tracing linen and four prints, conforming to the following:
 - (1) Size. The size shall be convenient and shall be 8" x 10½", 10½" x 16", 18" x 21", 21" x 26", 21" x 34", 24" x 36", or 28" x 40".
 - (2) Title. The title shall show the name of the transmission line, the date of application on Form E-100 and the name of the engineer preparing the map.
 - (3) Scale. The scale shall be convenient, but in no case shall an inch on the map represent more than 2,000 feet. Scale shall be adequate for a clear showing of all required map detail.
 - (4) Line Location. Map and field notes shall show reference lines from the nearest corner of the public land survey (if within 2 miles) to the termini of the transmission line when within a National Forest or other area administered by the Forest Service and to the points of entering and leaving the National Forest or such other area if it crosses the same. When any terminus or an intersection with the National Forest or other area boundary is upon land not covered by the public land survey, or when the nearest established corner of the public land survey is more than two miles distant, the tie may be made with a permanent mark on a natural object or a permanent monument which can be readily found and recognized. The relationship may be shown by the traverse or the straight line distance and bearing may be computed. The field notes shall give an accurate description of the natural object or monument.

When the transmission line crosses land covered by the public land survey, the map and field notes shall also show the intersection of the survey line with the section lines of the public land survey. Such intersections shall be referenced by course and distance to the nearest existing corner along the section lines intersected if such corner is within one-half mile. If no corner of the public land survey exists or can be found within a half mile of the survey line, this fact may be noted on the map and in the field notes and the reference omitted. Also, under such conditions the field notes shall show the location of the center line of the transmission line by the bearing and distance of each course. Similar survey data for the location of the center line will be required in other cases unless this requirement is specifically waived by the Regional Forester.

For areas within the boundaries of a National Forest or other area administered by the Forest Service, the map shall also show all lines of public land sub-divisions by official survey, the protractions on unsurveyed public land of section and township lines and the status as to ownership of lands, designating separately lands patented and lands of the United States reserved, unreserved, entered or otherwise embraced in an unperfected claim under the public land laws.

- (5) Certificate of Applicant. A certificate in the following form shall be lettered or typed on the tracing of the location map and shall be completed and signed:

This map is a part of the application for an easement made by the undersigned this _____ day of _____, 19____.

(Name of applicant)

By _____

- (c) Field Notes, duly certified and showing the courses and distances of the survey and the required ties to corners, permanent marks on natural objects or permanent monuments except when such courses, distances and ties are completely

and clearly shown on the location map. The paper size shall be 8" x 10 $\frac{1}{2}$ " or 8 $\frac{1}{2}$ " x 11".

- (d) Diagrammatic Map, when deemed necessary by the Regional Forester for a determination of whether an easement may be granted or a license under the Federal Power Act, supra, is required. Such maps shall show the relationship of connected generating plants and lines, need not be drawn to scale, shall be at least 8" x 10 $\frac{1}{2}$ " in size and shall show:
 - (1) Position of the transmission line in the system and the functions it performs as part of the power system.
 - (2) Source of power and whether the transmission line connects directly with a hydro-electric plant, a steam plant, another line or a sub-station.
 - (3) Capacity of the transmission line and relation of its capacity to that of the generating plant or line to which it connects.
 - (4) Relation of voltage and phase of the transmission line to that of the line from which energy is received.
 - (5) Contemplated use of energy delivered.
- (e) General Description and Specifications for Transmission Line and Contemplated Use or Market for Power, covering voltage, phase and capacity of the transmission line; number, size and material of wires; height, material and ordinary spacing of poles or towers; National or other design and erection specifications to be followed; power plant or plants at which transmitted energy is generated; whether the energy is generated by water or other source of power; and where, in what amount and for what purposes the transmitted energy is expected to be utilized. The paper size shall be 8" x 10 $\frac{1}{2}$ " or 8 $\frac{1}{2}$ " x 11".
- (f) Showing as to Status of Applicant
 - (1) For an individual. One sworn statement that the applicant is a citizen of the United States.
 - (2) For an association of individuals. One sworn statement of each member that he is a citizen of the United States, together with a certified copy of the Articles of Association except when a certified copy is already on file in the office

of the Regional Forester or when a copy has been filed with and accepted by the Federal Power Commission. If there be no Articles of Association, that fact must be stated over the signature of each member together with a sworn statement by at least one member that those signing the statement are all of the members of the association.

(3) For a private corporation

- (i) One copy of the charter or Articles of Incorporation duly certified by its secretary under the seal of the corporation or by the Secretary of State in which it was incorporated, except when a duly certified copy is already on file in the office of the Regional Forester or when a duly certified copy has been filed with and accepted by the Federal Power Commission.
- (ii) When the easement applied for is located in a State other than that in which the applicant was incorporated, one certificate by the proper officer of the State in which the easement is located that the applicant has complied with the laws of such State governing foreign corporations to the extent required to entitle the applicant to operate in such State, except when satisfactory evidence of such compliance is already on file in the office of the Regional Forester or with the Federal Power Commission.

(4) For a public corporation. One copy of the law under which it was organized.

Reg. E-7. Extension of Construction Period

An extension of the period specified in the easement for beginning and completing construction may be granted by the Chief. Such an extension will be granted only after a showing is made by the grantee to the satisfaction of the Chief that compliance with the periods specified in the easement has been prevented by difficulties that could not reasonably have been foreseen or by other special and peculiar causes beyond the control of grantee.

Reg. E-8. Annual Charges

Unless otherwise provided in the easement, the grantee shall pay annually, in advance, such reasonable charges as may be specified by the Chief. Deposit of the charges for a full year shall be made prior to the grant of the easement.

Reg. E-9. Transfer of Easement

Transfer of the easement to any citizen, association of citizens or corporation of the United States shall be conditioned upon

- (a) the transferor and the transferee filing with the Regional Forester an application in quadruplicate on Form E 104 subscribed to jointly by the transferor and transferee, and certified copies of instrument of conveyance, judgment, will, contract or sale whereby title to the property is conveyed;
- (b) acceptance by the transferee of the conditions in the easement and such additional conditions as the Chief may prescribe;
- (c) written evidence of the Chief's approval of the transfer.

Reg. E-10. Deviations during Construction

Material deviations during construction from the location shown in the application shall not be made except with the prior approval of the Chief and such deviation will not be allowed if it will interfere with the occupancy and use under existing permits, easements or licenses of lands administered by the Forest Service. If after the completion of construction there are any deviations in location from that shown upon the original map or approved amendments thereof, a supplemental map prepared in the manner prescribed for original maps of location shall be filed with the Regional Forester within six (6) months after completion of construction. Application for approval of any material deviation during construction and other changes in the location shown upon the application maps shall be filed with the Regional Forester in quadruplicate on Form E 103 and in accordance with the specific conditions in the easement.

Reg. E-11. Forfeiture or Annulment of Easement

The Chief may declare an easement forfeited or annulled for non-use for a period of two (2) years/^{or} abandonment. Such action shall not be taken until the grantee has been given not less than thirty (30) days' written notice of the contemplated action.

Reg. E-12. Abandonment with Approval of Chief

An easement may be abandoned or surrendered with the approval of the Chief upon fulfillment by the grantee of such obligations under the easement as the Chief may prescribe, and if the transmission line authorized by the easement has been constructed in whole or in part, then upon such conditions with respect to the disposition of the transmission line as may be prescribed by the Chief.

Reg. E-13. Remedies upon Breach by Grantee

Upon breach by the grantee of any of the terms or conditions set forth in these Regulations or in the easement, the United States may enforce appropriate remedy therefor by injunction, action for damages or otherwise. If any such breach shall be continued or repeated after thirty (30) days' written notice thereof, given in behalf of the United States to the grantee, the easement granted, together with all rights thereunder and all charges and other moneys paid thereon, may be forfeited to the United States by a suit for that purpose in any court of competent jurisdiction.

Reg. E-14. Removal of Transmission Line upon Forfeiture, Annulment or Abandonment

The transmission line shall be removed from the easement or otherwise disposed of as prescribed by the Chief within twelve (12) months after the declaration by the Chief of the forfeiture or annulment of the easement or the approval by the Chief of the abandonment or surrender thereof. If the transmission line is not so removed or disposed of, it and every part thereof shall be and become the property of the United States.

Reg. E-15. Modification of Easement

An application for modification of an easement shall be filed with the Regional Forester in quadruplicate on Form E-103 and the grantee shall furnish such data and information as may be requested by the Regional Forester. Approval of a modification shall be conditioned upon the acceptance in writing by the grantee of all terms and conditions thereof.

PROCEDURE FOR HANDLING APPLICATIONS AND ISSUING
PERMITS AND EASEMENTS

Act of 1901 Permits for 10 years or less

The Forest Supervisor, upon receipt of an application for a "Act of 1901" transmission line permit, will first examine the application to determine whether the line for which the application is made is a primary or a non-primary line. In this connection, and if not already filed as a part of the application, the Supervisor may find it necessary to require the filing with him of the Diagrammatic Map. If doubt then exists as to whether the line is primary or non-primary, the application will be referred to the Regional Office, which, in turn, may send it to the Chief's Office for decision. Such cases will usually be submitted to the Federal Power Commission for final decision; therefore, the data submitted should be adequate to permit a complete understanding of the case by persons previously unfamiliar with it.

If it be decided that the application involves a primary line, the Supervisor will inform the applicant that an application for Federal Power Commission license should be made. If it be decided that the application is for a non-primary line, the Supervisor will examine the application for completeness. If incomplete or incorrect, it will be returned to the applicant for correction or supplementing. The assigned date determining the priority of consideration of other applications for use of any part of the same land will be the date upon which the application in its complete form is received by the Forest Supervisor.

When the application is in complete form, the Supervisor will cause a field examination to be made and report rendered. If, after the report has been made, the Supervisor decides that a permit should be issued, he will determine what conditions should be incorporated in the permit in order to protect adequately the public and National Forest interests.

The Supervisor will then prepare a permit in quadruplicate (4), date and sign the original and one duplicate copy and send the two signed copies to the applicant for his signature and acceptance with a request that the duplicate copy, after being accepted and signed by the permittee, be returned to the Forest Supervisor. At the same time or earlier he will request payment of the rental for the balance of the calendar year. The permit will have no force or effect until the rental has been paid and until the permittee has signified his acceptance of the provisions and conditions contained in the permit by signing and returning the duplicate copy to the Forest Supervisor.

Temporary Occupancy Permits

Upon receipt of a request to expedite authorization to construct and operate a primary line because supplying an existing need for electric energy cannot be postponed until the regular procedure for granting a license has been carried out, the Regional Forester will wire the Chief's Office, and, at the same time, arrange for the usual investigation and report to determine whether granting the right to occupancy and use of National Forest land is acceptable and, if so, under what conditions. The Regional wire will state the applicant's name, the use to be made of the energy planned for transmission, the reason why quick action is necessary, the length of line, voltage and the essential details of the proposed project. The termini and the line location will be sufficiently well described so that the Federal Power Commission will be able to locate the line on a map.

The Chief's Office will inform the Federal Power Commission of the facts in the matter. Information on the Commission's action is usually conveyed by wire to the Regional Office. If the Commission does not object to the Forest Service granting a permit and if the Regional Forester acts favorably on the application, he will issue a permit containing such of the regular or special clauses for Act of 1901 permits as he deems necessary for the National Forest interests. The permit will also contain the conditions required by the Commission. The usual Federal Power Commission conditions are (1) that a complete application for

a license shall be filed within a stipulated time interval; and (2) that a license shall be accepted if tendered by the Commission; (3) that the line will be erected at the applicant's risk.

In other respects, except that in the Regional Forester's discretion certain portions of the application data for Act of 1901 permits may be waived, the procedure for filing, handling the application and granting the permit are the same as if the application were for a non-primary Act of 1901 permit.

During the period the permit is in force, rental will be charged.

"Act of 1901" Permits for more than 10 years. (Maximum of 50 years)

The Regional Forester, upon receipt of an application for an Act of 1901 permit, will first examine the application to determine whether or not the line for which the application is made is a non-primary line. In this connection and if not already filed as a part of the application, the Regional Forester may find it necessary to require the filing with him of the Diagrammatic Map. If there is then any doubt whether the line is primary or non-primary, he will refer the application to the Chief of the Forest Service who may either make the decision or refer the case to the Federal Power Commission for final ruling.

If it be decided that the line applied for is primary, the Regional Forester will inform the applicant that application should be made to the Federal Power Commission for a license.

If it be decided that the application is for a non-primary transmission line, the Regional Forester will examine the application for completeness. If incomplete or incorrect, the application will be returned to the applicant for correction or supplementing. The assigned date determining the priority of consideration of applications for the use of any part of the same land will be the date upon which the application in its complete form is received by the Regional Forester.

As soon as the application is in complete form, the Regional Forester will ask the Forest Supervisor to make a field inspection thereon and to render a report with recommendations. If the Regional Forester, after receiving the report from the Forest Supervisor, decides that a Act of 1901 permit should be issued, he will determine the conditions which should be incorporated in the permit in order adequately to protect public and National Forest interests. The Regional Forester will then prepare a permit in quadruplicate (4), date and sign the original and one duplicate copy and send the two signed copies to the permittee for his signature and acceptance with a request that the duplicate copy, after being accepted and signed by the permittee, be returned to the Regional Forester. At the same time or earlier he will request payment of the rental for the balance of the calendar year. The permit will have no force or effect until the rental has been paid and until the permittee has signified his acceptance of the provisions and conditions therein contained by signing and returning the duplicate copy to the Regional Forester.

Easements

Applications under the Act of March 4, 1911, as amended May 27, 1952, for non-primary transmission lines shall be filed with the Regional Forester of the Region in which the desired lands are situated. Applications filed through error with the Chief, Supervisor, or Ranger will be forwarded to the Regional Forester concerned. If the desired right-of-way includes public lands under the jurisdiction of the Interior Department as well as National Forest lands, the Regulations of the Department of the Interior require that to secure authority to use such lands, a separate application in accordance with the Regulations of that Department shall be filed.

Upon receipt of an application for an easement, the Regional Forester will first determine whether the application is made for a non-primary line. If in doubt and the applicant has not submitted the Diagrammatic Map with his application, such map will be requested. If doubt still exists, he will request decision by the Chief's Office which in turn may ask the Federal Power Commission for a ruling.

If decided that the line applied for is primary, the Regional Forester will inform the applicant that application should be made to the Federal Power Commission for a license.

If the application is for a non-primary line, the Regional Forester will examine it for completeness under Regulation E-6. If incomplete or incorrect, the application will be returned to the applicant for correction or supplementing. The assigned date determining the priority of consideration of other applications for the use of any part of the same land will be the date upon which the application in its complete form is received by the Regional Forester.

When the application is in complete form, the Regional Forester will ask the Forest Supervisor to make a field inspection and render a report with recommendations. If the Regional Forester after receiving this report decides that he will recommend that an easement be granted, he will determine the conditions which he believes should be incorporated in the easement, in order to protect the public interest and for the administration, protection, development and utilization of the land and resources administered by the Forest Service.

The Regional Forester will then request the applicant to make the advance rental payment for a full year. Since rental will not actually be charged until the easement is effective, appropriate credit will later be given in sending out the bill covering rentals for the next calendar year.

After the rental payment has been made, the Regional Forester will prepare the easement and send it to the Chief of Forest Service. Following action, the Chief's Office will send to the Regional Forester the two original copies of the easement upon which the action is entered. The easement, however, is not effective until the applicant has indicated

acceptance of it and willingness to comply with the prescribed conditions. Such acceptance must be evidenced in writing and the date of acceptance must be within 60 days of the date of the easement. If not accepted within that period or such extension as is approved by the Chief, the application will be rejected.

The Regional Forester will send the two original copies of the easement to the applicant and request signature in the designated place. When this action has been taken the Regional Forester will return one original to the grantee.

MODIFICATION, TRANSFER AND AMENDMENTS

"Act of 1901" Permits

The Forest Supervisor, his authorized representative, or successor, is authorized to grant, amend, transfer, extend or renew 10 year permits. The Regional Forester has similar authority for 50 year permits. The power to terminate or revoke Act of 1901 permits is vested in the Chief of the Forest Service or his authorized representative.

When a permittee desires to have a permit modified, he shall file with the issuing officer, or his successor, an application for modification fully describing the changes desired. If the changes involve a change in right-of-way, new maps in triplicate (3) showing the changes in right-of-way shall accompany the application.

When a permittee desires to transfer his permit, a joint application in triplicate (3) signed by the transferor and transferee giving all pertinent information showing transfer of right, title and interest to the project works shall be filed with the issuing officer or his successor.

Where the action for amendment of a permit is initiated by the Forest Service, the procedure will be the same as is followed for the original permit. Duplicate originals of the amended permit, or of the amendments, will be signed by the proper Forest Service officer and sent to the permittee, who will retain one and return the other with his signature, to the Forest Supervisor. The number and disposition of carbon copies will be the same as for the original permit.

Easements

The Chief's approval is required to modification, transfer or amendment of an easement.

When a grantee desires a modification or amendment of the easement, he shall file with the Regional Forester an application in quadruplicate (4) on Form E-103 fully describing the changes desired. If the changes involve a change in right-of-way, a new location map showing the change shall accompany the application.

Regulations E-7, E-10 and E-15 control transfers, changes in location, times for beginning or completing construction, beginning operation, and other changes or amendments to the conditions in the easement. In obtaining the Chief's approval, the instructions for amending permits to the extent applicable will be followed.

When the grantee desires to transfer the easement, an application in quadruplicate (4) on Form E 104 subscribed to jointly by the transferee and the transferor should be filed with the Regional Forester. Accompanying the application and as a part thereof, certified copies of instruments of conveyance, judgment, will, contract or sale, etc., whereby title to the property is conveyed, must be submitted.

NONCOMPLIANCE WITH TERMS OF ACT OF 1901 PERMITS

The Regional Forester will call to the attention of the permittee, failure to comply with the conditions of the permit. The permittee will be informed that any arguments which he may care to advance showing why the permit should not be terminated because of breach of conditions must be filed within a period named in the Regional Forester's letter (this period will not generally exceed sixty days) and that his claim will be given careful consideration. No revocation or termination will be recommended until a sufficient opportunity has been given to the permittee to present his case and for proper consideration thereof.

TERMINATION AND ANNULMENT

Permits

A permittee desiring that a permit be terminated, shall so advise the issuing officer or his successor in writing, giving the reasons therefor; stating that all charges have been paid and specifying a definite date for removing the improvements and placing the right-of-way in a condition satisfactory to the Forest Service.

Besides termination at the request of the permittee because of no further desire to occupy and use Forest land for the permitted use, terminations may be deemed advisable and proper because of noncompliance with the permit provisions, relinquishment, abandonment, transfer in ownership or the issuance of a license. The Regional Forester will inform the permittee of the contemplated termination action and the reasons therefor. The permittee will be given opportunity to present reasons why in his opinion the proposed action should not be taken.

Easements

The Chief's approval is necessary to the annulment of an easement and except where specifically requested by the grantee, such action can be taken administratively only where there has been abandonment or non-use of the granted right-of-way for a period of at least two years. At

least 30 days written notice of contemplated action will be given the grantee. See Regulation E-11. When a grantee desires that an easement be terminated, he shall advise the Regional Forester in writing, giving the reasons therefor, stating that all charges have been paid and requesting a definite period of time for removing the improvements and placing the right-of-way in a condition satisfactory to the Forest Service. See Regulations E-11, E-12, and E-14.

Termination of an easement because of breach of conditions or for any other cause than abandonment, surrender or non-use for two years or more requires action by the Federal Courts. The Regional Forester will advise the grantee of breach of easement conditions. If such breach is continued or repeated after thirty (30) days written notice and the reasons given by the grantee are not considered satisfactory by the Regional Forester, he will recommend to the Chief that court action be started.

No termination or annulment of an easement will be recommended until after a field investigation has been made and the conditions upon which the Chief's action should be based, determined.

FORMS

The forms herein given are those which will be needed and used by applicants. None of these except Form 866 will be printed, the others are to be prepared by the applicant or permittee and are given here to be used as guides in the preparation.



UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

SPECIAL USE APPLICATION

(Case Designation)

Application is hereby made for permit to use the following described lands:.....

.....
.....
.....

for the purpose of.....
(State fully the nature of the intended use)

.....
.....

Construction of intended improvements will begin within months and be completed within months; the premises will be used at least days each year; the contemplated improvements will cost approximately..... dollars and will consist of the following:.....

.....
.....
.....
.....

.....
(Date of application)

.....
(Signature of applicant)

.....
(Post office address)



SPECIAL USE PERMIT

_____ National Forest.

Permission is hereby granted to _____

of _____,

hereinafter called the permittee, to use, subject to the conditions set out below, the following-described lands or improvements:

This permit covers _____ acres and/or _____ miles for the purpose of:

The exercise of any of the privileges granted in this permit constitutes acceptance of all the conditions of this permit.

1. In consideration for this use, the permittee shall deposit with the Regional Fiscal Agent, Forest Service, _____, a check, draft, or money order made payable to the Treasurer of the United States in the sum of _____ dollars _____) for the period from _____, 19____, to _____, and thereafter annually on _____,

_____ dollars (\$_____). The charges for this use may be readjusted from time to time to place this permit on a basis consistent with the charge to other permittees for like privileges.

2. Construction or occupancy and use under this permit shall begin within _____ months, and construction, if any, shall be completed within _____ months, from the date of the permit. This use shall be actually exercised at least _____ days each year, unless otherwise authorized in writing.

3. Development plans; lay-out plans; construction, reconstruction, or alteration of improvements; or revision of lay-out or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Merchantable timber cut must be paid for by the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

4. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

5. This permit is subject to all valid claims.

6. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

7. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

* 8. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the national forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

9. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

10. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

11. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

12. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner above provided is qualified as a permittee, and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the forest supervisor, issuance of a permit is desirable and in the public interest.

13. In case of change of address, the permittee shall immediately notify the forest supervisor.

14. The temporary use and occupancy of the premises and improvements herein described may not be sublet by the permittee to third parties without the prior written approval of the forest supervisor and the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

15. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

16. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses will control.

17. This permit is subject to the conditions set forth above and to conditions _____ to _____ attached hereto and made a part of this permit.

Date _____

(Signature of issuing officer)

27

(Title)

For Power Lines substitute:-

* "The permittee shall pay the United States for any damage resulting from this use.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE



ADDRESS REPLY TO
CHIEF, FOREST SERVICE
AND REFER TO

WASHINGTON 25, D. C.

E
WATER POWER
General

Federal Power Commission
Washington 25, D. C.

Gentlemen:

The Forest Service has issued a pre-license Special-Use Permit covering a small power development on national forest land as follows:

Name of Permittee:

Address:

Location of Project:

Stream _____ Creek, tributary to _____ River.

Section: _____ T. _____, R. _____, M. _____

National Forest: _____ State: _____

The project works consist of the following:

Dam: Type: _____, Ft. high _____, Ft. long _____

Inches dia.,

Conduit: _____ or dimension _____, Ft. long _____

Ft. total fall _____.

Power house _____ type, _____ size.

Water wheel _____ type, _____ Ft. head, _____ H.P.

Generator: _____ Kw., _____ voltage.

Water use: normal _____, maximum _____ C.F.S. or G.P.M.

Attached are _____ (_____) copies of the permit.

Very truly yours,

RICHARD E. McARDLE, Chief

Form F.S. 20
(Rev. Oct. 22, 1952)

By

January 1953
3-70

Form E 100
February 8, 1943

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Designation

APPLICATION FOR EASEMENT UNDER THE ACT OF MARCH 4, 1911*

1. _____
(Name of applicant)
- citizen
association of citizens
a corporation organized under the laws of the State of
municipality

_____ (omit any of foregoing which is inap-
plicable). hereby makes application for an easement to authorize the
construction, operation and maintenance on lands of the United States
of a transmission line as herein described and designated the _____
_____ transmission line.

2. The location of the transmission line is as follows:
- (a) In the State of _____
(b) In the County of _____
(c) In the _____ National Forest
(d) Sections, sub-sections, township and range of National
Forest land crossed _____

_____ (e) All as approximately shown upon certain maps and de-
scribed in certain field notes made a part of this application.

3. The length in miles of the transmission line is as follows:
- (a) On National Forest land _____
(b) Within National Forest boundaries _____

4. It is desired to begin construction of this line by _____
194___. Construction can be completed in _____ (days, months) after
permission is granted.

5. The electrical energy to be transmitted will be generated by
(water) (fuel) power located at _____
and used for the following purposes: _____

6. The name, title and post office address of the person to whom
correspondence in regard to this application shall be addressed is as
follows: _____

*This application and all accompanying documents or exhibits shall be
submitted in quadruplicate except map exhibits which shall be sub-
mitted with the original on tracing linen and 4 prints thereof.

7. The following exhibits are filed herewith and are hereby made a part of this application:

Exhibit _____
Exhibit _____
Exhibit _____

In Witness Whereof, the applicant has caused this instrument to be signed this _____ day of _____ 19 __.

(Name of applicant)

(SEAL)

By _____

(Title of Signer)

ATTEST:

Secretary

VERIFICATION

State of _____)
County of _____) ss:

being first duly sworn deposes and says: That he is the _____ Title
of the _____, the applicant for an easement,
(Full name of applicant)
that he has read the foregoing application and knows the contents
thereof; that the same are true to the best of his knowledge and belief.

(Signature)

19 __. Subscribed and sworn to before me this _____ day of _____

(SEAL)

(Notary Public)

(If the applicant is an individual, or an association of individuals, proof of citizenship is required. Such proof may be made by affidavit in the following form:)

State of _____)
County of _____) ss:

_____ and _____
being duly sworn, each for himself, says he is a citizen of the United States of America.

Subscribed and sworn to before me this _____ day of _____, 19 .

(SEAL)

(Notary Public)

Form E 101
February 8, 1943

CERTIFICATE OF EXHIBITS

This exhibit is a part of the application for a non-primary transmission line easement under the Act of March 4, 1911, made by the undersigned this _____ day of _____, 19 __.

(Name of applicant)

By _____

Form E 102
February 8, 1943

CERTIFICATION OF ORGANIZATION
(To be submitted in quadruplicate)

I, _____ Secretary of
(name)

the _____ do hereby certify that the organization of said corporation has been completed; and that the corporation is authorized to proceed with the transmission line applied for according to the existing laws of the State of _____.

Witness my hand and the seal of the corporation this _____ day of _____, 19 __.

(Secretary)

(SEAL)

Form E 103
February 8, 1943

APPLICATION FOR MODIFICATION OF TRANSMISSION LINE EASEMENT
(To be submitted in quadruplicate)

BEFORE THE
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

1. _____ a (citizen _____)
(full name of applicant) (association of citizens) organized under the
(corporation)
(municipality)

laws of the State of _____ (omit any of foregoing which
are inapplicable, holder of a Department of Agriculture Transmission
Line easement designated in the Department of Agriculture records as

issued on the _____ day of _____, 19____, hereby
makes application to said Department of Agriculture for a modification
of the easement in the manner and to the extent described herein.

2. (Statement or description of change desired):

3. The proposed changes are necessary and desirable for the following
reasons: _____

4. The following exhibits are filed herewith and are hereby made a
part of this application for modification of easement:

*Exhibit _____, sheet _____, superseding exhibit _____, sheet _____
Exhibit _____, sheet _____, modifying exhibit _____, sheet _____
Exhibit _____, sheet _____, supplementing exhibit _____, sheet _____

*Each exhibit shall be certified as follows:

This Exhibit is a part of the application for modification of
transmission line easement designated _____,
made by the undersigned this _____ day of _____, 19 ____.

Note: If modification
involves a change in right-
of-way, a new map exhibit
on tracing linen with 4
prints thereof showing the
changes shall accompany the
application.

(Name of applicant)

By _____

IN WITNESS WHEREOF the applicant has caused its name to be here-
unto signed by _____ its _____,
(Name) (Title- chief executive officer)
and its corporate seal to be hereto affixed by _____ its
(Name)
_____ thereunto duly authorized, this
(Title- custodian of seal)
_____ day of _____, 19 __.

(Name of applicant)

By _____

Attest:

(Secretary)

(Modify above if applicant
is other than a corporation)

- - - - -

VERIFICATION

State of _____)
County of _____) ss:

_____ being first duly sworn deposes and says:
That he is the _____ of the _____,
(Title of person signing application) (Full name of applicant)
the applicant for an amendment of the Department of Agriculture Trans-
mission Line Easement designated _____ that he has read
the foregoing application and knows the contents thereof; that the same
are true to the best of his knowledge and belief.

(Signature)

Subscribed and sworn to before me this _____ day of _____ 19

(SEAL)

(Notary Public)

Form E 104
February 8, 1943

APPLICATION FOR APPROVAL OF TRANSFER OF TRANSMISSION LINE EASEMENT
(unless otherwise specified, this application and all accompanying documents shall be submitted in quadruplicate)

BEFORE THE
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

*(1) _____ (hereinafter referred to as the Transferor), holder of a Department of Agriculture Transmission Line Easement designated in the Department of Agriculture records as _____ and issued by the _____
(Designation)
Secretary of Agriculture** on _____, and
(Month, day, year)

(2) _____ (hereinafter referred to as the Transferee),

*(3) Hereby jointly and severally apply for the written approval of the Chief of the Forest Service of the transfer of the aforesaid easement from the Transferor to the Transferee and request that the instrument of such approval be made effective as of the date of conveyance of the project properties; and in support thereof show as follows:

(4) 1/ The said Transferee is:

(a) A citizen of the United States, whereof proof is submitted herewith as exhibit A, which is hereby incorporated herein and made a part hereof;

(b) An association of citizens under articles of association, a certified copy of which as now in effect is attached hereto as exhibit A and hereby incorporated herein and made a part hereof;

(c) A municipality organized under the following statutes:

_____ proof of such organization being submitted herewith as exhibits A-1, A-2, etc., which is (are) hereby incorporated herein and made a part hereof;

1/ In par. 4. include only the subparagraph which is applicable.

**Change to Acting Secretary of Agriculture, Chief of the Forest Service, or Acting Chief of the Forest Service as the case may be.

(d) 2/ A _____ corporation, organized
 (e.g., private, nonprofit, etc.)
 under the laws of the State of _____, and domesti-
 cated in the States of _____;
 certified copies of its charter or certificate of incorporation,
 articles of incorporation, corporate by-laws, and certificates of
 authority to do business, with all amendments of each to date, being
 submitted herewith as exhibits A-1, A-2, etc., said exhibits being
 hereby incorporated herein and made a part hereof;

(5) The Transferee submits as (partial) evidence of its compliance with
 all applicable State laws _____,
 submitted herewith as exhibits B-1, B-2, etc., and proposes to complete
 its showing of such compliance by submitting _____

to be submitted as exhibits B-3, B-4, etc., at the time it submits proof
 of the conveyance to it of the project properties as hereinafter pro-
 vided for: 2/

*(6) The Transferee will submit certified copies of all instruments of
 conveyance, judgment, will, contract or sale, whereby title to the
 project properties is conveyed to it, upon the completion of such con-
 veyance, if and when the Chief or Acting Chief of the Forest Service shall
 have authorized the giving of his approval to the proposed transfer;

*(7) If and when the Chief or Acting Chief of the Forest Service shall have
 authorized the giving of his approval of the proposed transfer, and upon
 completion of conveyance of the project properties to the Transferee,
 the Transferor will deliver to the Transferee and the Transferee will
 accept and permanently retain all easement instruments and all maps,
 plans, specifications, contracts, reports of engineers, accounts, books,
 records, and all other papers and documents relating to the original
 project and to all additions thereto and betterments thereof;

(8) The Transferor certifies that it has fully complied with the terms
 and conditions of its easement, as amended, and that it has fully satis-
 fied and discharged all of its liabilities and obligations thereunder to
 the date hereof, and obligates itself to pay all annual charges accrued
 under the easement to the date of transfer;

*2/ This form for application contemplates the filing of the application
 and final action thereon by the Chief or Acting Chief of the Forest
 Service prior to any conveyance of the project properties. If the Chief
 or Acting Chief of the Forest Service acts favorably upon the application,
 he will authorize the issuance of an instrument approving the transfer of
 the easement and the applicants will be notified thereof. Applicants may
 then consummate the conveyance of the project properties and Transferee
 shall submit certified copies of the instruments of such conveyance (see
 par. 6 of this form). The Transferor shall at the same time make payment
 of annual charges to the date of the conveyance (see par. 8 of this form).
 The Transferee shall at the same time submit final proofs showing its
 compliance with State laws. The Transferor shall at the same time turn
 over to the Transferee all instruments and all maps, plans, specifica-
 tions, contracts, reports of engineers, accounts, books, records, and all
 other papers and documents, relating to the original project and to all
 additions thereto and betterments thereof. Thereupon the instrument of
 approval, effective as of the date of the conveyance, will issue.

Chief of the Forest Service

(9) Contingent upon the final written approval by the ~~Secretary of Agriculture~~ of the transfer of the easement, the Transferee accepts all the terms and conditions of the said easement (as amended) and such additional terms and conditions as the ~~Secretary of Agriculture~~ * may prescribe as a condition to his approval of the transfer, and agrees to be bound thereby to the same extent as though it were the original Grantee thereunder;

(10) The name, title, and post-office address of the person or persons to whom correspondence in regard to this application shall be addressed are as follows:

IN WITNESS WHEREOF the Transferor has caused its name to be here-
unto signed by _____ its _____,
(Name) (Title- Chief executive officer)
and its corporate seal to be hereunto affixed by _____,
(Name)
its _____ thereunto duly authorized, this _____
(Title- Custodian of seal)
day of _____, 19 __; and the Transferee has caused its
name to be hereunto signed by _____,
(Name)
its _____ and its corporate seal to be
(Title- Chief executive officer)
hereunto affixed by _____ its _____,
(Name) (Title- Custodian of seal)
thereunto duly authorized this _____ day of _____,
19 __.3/

(Exact name of transferor)
By _____
(Name)

(Title)

(Exact name of transferee)
By _____
(Name)

(Title)

Attest:

(Secretary)

3/If applicant is a natural citizen modify final paragraph.

VERIFICATION 4/

State of _____)
County of _____) ss:

_____ being duly sworn deposes and says:
That he is the _____
(Title of person signing the application)

of the _____, one of the applicants for approval of transfer of Department of Agriculture easement; that he has read the foregoing application and knows the contents thereof; and that the same are true to the best of his knowledge and belief.

(Signature)

Subscribed and sworn to before me, a notary public of the State of _____
this _____ day of _____, 19 _____

4/To be separately executed by each of the persons signing the foregoing application.

EXHIBIT A
PROOF OF CITIZENSHIP 5/

State of _____)
County of _____) ss:

_____, _____ and
_____, being duly sworn, each for himself,
deposes and says that he is a citizen of the United States of America.

Subscribed and sworn to before me, a notary public of the State of _____
this _____ day of _____, 19 ____.

5/If the applicant is an individual or an association of citizens, proof of citizenship is required. Such proof may be made by affidavit in the form indicated.

